

REMARKS/ARGUMENTS

Applicant thanks Examiner for the detailed Office Action dated November 15, 2005. In response to the issues raised, the Applicant offers the following submissions and amendments. We also enclose a Terminal Disclaimer linking the term and ownership of any patent granted on the present application to that of co-pending USSN 10/760,186.

Amendments

The description has been amended at page 9 to address the typographical error identified by the Examiner.

Claims 1 to 5 have been cancelled and replaced with newly presented claim 11. New claim 11 effectively rewrites original claim 5 in an independent form. Accordingly, the amendments do not add any new matter.

Non-Statutory Double Patenting

The enclosed Terminal Disclaimer links the term and ownership of any patent granted on the present application to that of co-pending USSN 10/760,186. The Applicant submits that this avoids any unjust timewise extension of patent rights or harassment from multiple assignees.

35 U.S.C. §102 - Claims 1 and 3

Claims 1 and 3 stand rejected for lack of novelty in light of the disclosure in US 6,120,138 to Xiao et al. As claims 1 and 3 have been cancelled, this rejection is now moot.

35 U.S.C. §103 - Claims 2, 4-10

Claim 2 stands rejected as obvious in light of US 6,120,138 to Xiao et al in view of US 2004/0055661 to Yuen. Claims 4 - 9 stand rejected as obvious in light of US 6,120,138 to Xiao et al in view of US 2004/0055661 to Yuen, in further view of US 6,386,871 to Rossell in further view of US 2003/0208167 to Prausnitz et al. With regard to claims 2, 4 and 5, their cancellation makes their rejections moot.

Newly presented claim 11 effectively rewrites claim 5 in an independent form. The Applicant submits that the combination of elements defined by new claim 11 is not obvious in light of the cited art.

The invention as defined by new claim 11 uses a resilient member to prevent damage from over-pressurization of the deformable container as the printing fluid is dispensed. Given the manual nature of the dispensing process, the over-pressurization safeguard in the present invention provides effective protection from excess compression with a simple and inexpensive mechanism.

In contrast, the Xiao disclosure is a syringe-type refill device where the plunger is threaded into the cap so that the ink can be forced from the barrel by rotating the plunger. There is no disclosure of a deformable container for the printing fluid. The threaded engagement of the cap and plunger, and the sealed fit between the plunger and interior of the barrel have inherent tolerance requirements that add to materials and fabrication costs. While the refill in Yuen

uses a compressible container for the ink, it also has a relative complex structure with the plunger again threaded onto the barrel.

In both cases over pressurization is not an issue as compression achieved by manually winding the plunger down on barrel. Accordingly, Xiao and Yuen provide no motivation to devise a safeguard against overloading the deformable container.

The Rossell arrangement is a device for filling a dead tooth. The spring 11 and the vacuum pump P combine to instantly force the sealing product from the reservoir 9 into the empty pulp cavity in a tooth. It is not an overpressure safeguard mechanism. Furthermore, the filling of teeth is plainly a non-analogous art that the ordinary worker in the field of printer cartridges would not consult.

Accordingly, the combined disclosures of Xiao, Yuen and Rossell do not teach the combination of elements defined in new claim 11. It follows that claim 11 is not obvious in view of the cited references.

Similarly, claim 10 defines a spring in the dispenser that limits the pressure in the deformable container. As discussed above, Rossell does not teach a pressure limiting spring arrangement, and in any case, there is no incentive in Xiao or Yuen to incorporate any of the Rossell disclosure. Therefore, claim 10 is also non-obvious.

It is respectfully submitted that the Examiner's rejections have been successfully traversed and the application is now in condition for allowance. Accordingly, favorable reconsideration of the application is courteously solicited.

Very respectfully,
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